

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOUTHWEST MARINE AND GENERAL INSURANCE COMPANY
and HANJO CONTRACTORS, INC.,

Plaintiff

NOTICE OF REMOVAL

v.

Civ.

UNITED SPECIALTY INSURANCE COMPANY
(arising out of an underlying action entitled
Oscar Perez, et ux. V. Broadway 98 Condominium, et al.),

Defendant.

1. Pursuant to 28 U.S.C. Section 1446(a), defendant, United Specialty Insurance Company, by its attorneys, Hurwitz & Fine, P.C., hereby gives notice of the removal of this action from the State of New York, Supreme Court, County of New York, to the United States District Court for the Southern District of New York.

2. Pursuant to Rule 81(a)(3)(A) of the Local Rule of Civil Procedure, annexed hereto as **Exhibit A** is an Index of the State Court pleadings in this matter.

3. A copy of plaintiffs' Summons and Complaint filed in the State Court action is annexed hereto as **Exhibit B**.

4. According to plaintiffs' Complaint, the defendant, United Specialty Insurance Company, issued a primary commercial general liability insurance policy to Manhattan Steel Design, in effect on February 19, 2016. It is alleged that Manhattan Steel Design was a direct subcontractor of the plaintiff, Hanjo Contractors, Inc.,

5. On or about February 19, 2016, an incident involving injury to Oscar Perez., is alleged to have occurred while Mr. Perez was in the course of his employment with Hanjo Contractors, Inc.

6. The amount in controversy exclusive of interest and costs, exceeds Seventy Five Thousand and 00/100 Dollars (\$75,000.00).

7. The plaintiff, Southwest Marine and General Insurance Company, was and is a foreign corporation authorized to do business within the State of New York.

8. The plaintiff, Hanjo Contractors, was and is a domestic corporation authorized to do business in the State of New York.

9. The Defendant, United Specialty Insurance Company is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the State of Texas.


10. Pursuant to 28 U.S.C. Section 1332(c)(1), a corporation shall be deemed to be a citizen of any state by which it has been incorporated and of the state where it has its principal place of business.

11. The defendants are entitled to remove this action pursuant to 28 U.S.C. Section 1446(a), since the District Court has original jurisdiction over the action pursuant to 28 U.S.C. Section 1332(a)(1), based upon the parties' diversity of citizenship and its monetary threshold.

WHEREFORE, defendant, United Specialty Insurance Company, hereby removes this action from the State of New York, Supreme Court, County of New York, to the United States District Court for the Southern District of New York.

DATED: Buffalo, New York
September 24, 2019

HURWITZ & FINE, P.C.



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